

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Rigie	Team: Squad #12	CCRB Case #: 201707614	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/13/2017 6:50 PM	Location of Incident: In front of 2120 Ryer Avenue	Precinct: 46	18 Mo. SOL 3/13/2019	EO SOL 3/13/2019	
Date/Time CV Reported Thu, 09/14/2017 6:38 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 09/14/2017 6:38 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Donato	07509	948904	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Valdrin Nikqi	07009	954177	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Donato	Abuse: Police Officer Anthony Donato threatened to seize § 87(2)(b) s property.	

Case Summary

On September 14, 2017, § 87(2)(b) filed this complaint with the CCRB via the agency website.

On September 13, 2017, at approximately 6:50 p.m., § 87(2)(b) was standing in front of the 46th Precinct stationhouse in the Bronx with the family members of individuals who had been arrested. § 87(2)(b)

Some of the family members were standing in the street in front of the stationhouse and officers from the 46th Precinct including, PO Valdrin Nikqi, instructed them to get out of the street. § 87(2)(b) walked into the street himself and told the individuals that they had to get onto the sidewalk, but did not have to leave. PO Nikqi then told § 87(2)(b) repeatedly to get out of the street. § 87(2)(b) responded by telling PO Nikqi to get out of the street himself and walked back toward the stationhouse. PO Nikqi then requested § 87(2)(b)'s ID and wrote him C-summons# § 87(2)(b) for § 87(2)(b). While PO Nikqi was writing this summons, PO Anthony Donato, also of the 46th Precinct, exited the stationhouse and explained the reason for the summons to § 87(2)(b). During this conversation, § 87(2)(b) told PO Donato that everything that happened was on video. PO Donato replied saying, "When you say everything is recorded, you're advising us that you have something of an evidentiary value that we could take" (**Allegation A**). PO Nikqi then handed § 87(2)(b) his summons and he and the officers left the scene.

§ 87(2)(b) provided personal body camera footage of this incident that captured the allegation in its entirety:



201707614_20171031_1025_DM.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b)
- On October 27, 2017, a FOIL request was sent to the Office of the Comptroller for any Notices of Claim filed by § 87(2)(b) for this incident and the response will be added to the case file upon receipt.

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b)

§ 87(2)(b)

- PO Donato has been a member of the NYPD for seven years and has been involved in 18 other CCRB cases involving 48 allegations, of which three were substantiated. In CCRB 201108564, PO Donato had allegations substantiated for refusal to provide his name and shield, a stop of a person, and a retaliatory summons. For these allegations, the CCRB recommended charges, but the NYPD gave PO Donato Command Discipline B. § 87(4-b) § 87(2)(g)

Subject Officer Not Interviewed

- § 87(2)(g)

Findings and Recommendations

Allegation A –Abuse of Authority: Police Officer Anthony Donato threatened to seize § 87(2)(b)s property.

It is undisputed that § 87(2)(b) informed PO Donato that events leading to his C-summons were on video and that PO Donato responded by saying, “When you say everything is recorded, you’re advising us that you have something of an evidentiary value that we could take.” This statement was captured on § 87(2)(b)s video of the incident (03-05 and 09 Board Review).



201707614_20171030_1717_DM.mp4

C-summons number § 87(2)(b) confirmed that § 87(2)(b) was charged with § 87(2)(b) on September 13, 2017 at 6:50 p.m. (06 Board Review).

Property taken into police custody should be seized and invoiced as investigatory evidence when a criminal investigation is required and no arrest has been made. P.G. 218-19 (07 Board Review).

§ 87(2)(g)

Squad: 12

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date